

**GENERAL NPDES PERMIT FOR DISCHARGES OF HYDROSTATIC TEST WATER**  
**Tennessee General Permit Number TNG670000**

- (1) Coverage under this general permit
  - (a) This general permit addresses any new or existing discharges of hydrostatic test water to waters of the State of Tennessee. This includes such discharges:
    - 1. from new, unused facilities including, but not limited to, boilers, pipelines, flowlines and storage tanks; and
    - 2. from facilities including, but not limited to, pipelines, flowlines, and storage tanks which have been used for the transportation or storage of natural gas, crude oil, or liquid or gaseous petroleum hydrocarbons.
  - (b) This general permit covers all areas of the State of Tennessee.
  - (c) This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five years.
  - (d) Limitations on coverage
    - 1. This general permit does not apply to discharges that the Director determines are contributing to a violation of a water quality standard or to any person who discharges in violation of the Water Quality Control Act or the regulations promulgated thereunder. In addition, this permit shall not apply to discharges that will result in an increased loading to the receiving stream of a pollutant that is given as a cause of a listing on the State's 303(d) list.
    - 2. This general permit shall not apply to discharges that are likely to cause a concentration of benzene greater than 5 micrograms per liter at any downstream domestic water intakes.
    - 3. This permit is not applicable for discharges into Outstanding National Resource Waters.
  - (e) General permits may be issued, modified, revoked, reissued or terminated in accordance with the applicable requirements of T.C.A. § 69-3-108.
  - (f) Notwithstanding the provisions of this general permit, the Director may require any person to apply for and obtain an individual NPDES permit.
  - (g) When an individual permit is issued to a person otherwise subject to this general permit, the applicability of the general permit to the individual NPDES permittee is terminated on the effective date of the individual permit.
- (2) Authorization to discharge under this general permit
  - (a) Except as provided in subparagraph (1)(d) above, if the Notice of Intent is submitted as set forth in paragraph (4) below, a facility is permitted to discharge hydrostatic test water to waters of the State of Tennessee in accordance with the terms of this general permit and of T.C.A. § 69-3-108(b). Any such discharges not permitted under this general permit or by an individual permit are unlawful under T.C.A. § 69-3-108(b).

- (b) In order to obtain authorization to discharge under this permit, a facility must submit a Notice of Intent pursuant to paragraph (4). The Division may grant or deny coverage under this rule or require an application for an individual permit. Upon notice from the Division to the applicant, the applicant is covered under this general permit rule.
- (3) Requesting termination of coverage
  - (a) A permittee shall request termination of coverage under this general permit when discharges of hydrostatic test water to waters of the State of Tennessee have ceased.
  - (b) If discharges have ceased but coverage under this general permit is still in effect because the discharger has not requested termination of permit coverage, the discharger will continue to be responsible for annual permit maintenance fees billed according to the Department's rule 1200-4-11.
- (4) Notice of Intent (NOI) requirements
  - (a) Format

A NOI shall be on the form provided in Appendix A of this general permit, or on a photocopy thereof.
  - (b) Deadlines
    1. For a new facility, a NOI shall be submitted 30 days before any discharges of hydrostatic test water.
    2. For an existing and presently permitted facility, a NOI shall be submitted 30 days before the permit expires or in the case of a transfer of ownership, 30 days before the transfer.
    3. The Director may, upon good cause shown in writing by the applicant, reduce the 30 day time period required in parts 1. and 2. above.
  - (c) Who must sign the NOI

The NOI must be signed according to signatory requirements of subparagraph (11)(i) of this general permit.
  - (d) Content of the NOI

The following information must be included in a NOI:

    1. name of the owner or operator of the facility or activity, mailing address, the name and address of a contact person;
    2. a brief description of the facility or vessel to be tested;
    3. estimate of the volume of hydrostatic test water to be discharged;
    4. source of the test water;
    5. a description of material that has been contained in the facility, if the facility has already been in use;

6. a facility location map which identifies and highlights the location of the facility and the waters receiving the discharge; the facility map must show boundaries which extend at least a one mile radius beyond the facility property;
  7. the name of the waters receiving the discharge;
  8. estimated dates of testing, frequency of tests and duration;
  9. brief description of Best Management Practices (BMPs) employed and/or treatment of the hydrostatic test water discharges;
  10. if the permittee desires that permit coverage be granted for more than one year, a written request for a term greater than one year, which shall not extend past the expiration date of the general permit;
  11. for used natural gas pipelines, if the pipeline is free of Polychlorinated Biphenyls (PCB's), a statement that the pipeline is free of PCB's; and
  12. any additional information the Division may require.
- (e) A signed NOI and a copy shall be submitted to the Water Pollution Control Environmental Assistance Center (EAC) responsible for the county where the discharge is located, as shown below.

Fayette, Shelby and Tipton Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2510 MT MORIAH ROAD SUITE E-645  
MEMPHIS TN 38115-1511  
(901) 368-7939

Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
362 CARRIAGE HOUSE DRIVE  
JACKSON TN 38305-2222  
(901) 661-6200

Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2484 PARK PLUS DRIVE  
COLUMBIA TN 38401  
(931) 380-3371

Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
711 RS GASS BOULEVARD  
NASHVILLE TN 37206  
(615) 681-7000

Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
STATE OFFICE BUILDING SUITE 550  
540 MCCALLIE AVE  
CHATTANOOGA TN 37402  
(423) 634-5745

Cannon, Clay, DeKalb, Fentress, Grundy, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
1221 SOUTH WILLOW AVENUE  
COOKEVILLE TN 38506  
(931) 432-4015

Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2700 MIDDLEBROOK PIKE SUITE 220  
KNOXVILLE TN 37921  
(423) 594-6035

Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2305 SILVERDALE ROAD  
JOHNSON CITY TN 37601  
(423) 854-5400

- (5) Administrative procedures for notifying facilities of coverage
- (a) The Division will review NOIs for completeness and accuracy. Except as provided in subparagraph (1)(d), a complete and accurate NOI shall be processed as described in subparagraphs (b), (c), (d) and (e) below.
  - (b) Within 30 days of receipt of a NOI, the permittee is automatically covered by this general permit unless notified to the contrary by the Division. The Division will transmit to the permittee notice of

coverage (NOC) under this permit and provide the permittee with a copy of this general permit and a Discharge Monitoring Report (DMR) form.

- (c) The Division shall specify in the NOC the term of the permit. The term shall last not more than five years from the effective date of this general permit and shall begin no sooner than the date the NOI is received and the date of issuance of the NOC.
- (d) Unless the applicant requests a longer permit term, per (4)(d)10. above, and the Division approves such request, coverage under the permit will expire on the last day of the eleventh month following the beginning date of permit coverage. For instance, if the beginning date of coverage is January 1, 2000, then the ending date will be set to November 30, 2001.

(6) Effluent limitations

- (a) Discharges covered by this permit shall be monitored for the following parameters and are subject to the following effluent limitations:

1. New facilities

Visible Oil -

There shall be no distinctly visible floating oil contained on or in the wastewater discharge.

2. Used natural gas pipelines

Visible Oil -

There shall be no distinctly visible floating oil contained on or in the wastewater discharge.

Oil and Grease - 15 mg/l as a daily maximum concentration

pH - 6.5 standard units as a minimum  
9.0 standard units as a maximum

PCB's\* - 0.0002 mg/l

\* If the discharger has certified in the NOI that compressors or other equipment that contained PCB's were never used on the pipeline and that the presence of PCB's in the pipeline has not been indicated, this limit does not apply.

3. Used petroleum product facilities

Visible Oil -

There shall be no distinctly visible floating oil contained on or in the wastewater discharge.

Oil and Grease - 15 mg/l as a daily maximum concentration

pH -	6.5 standard units as a minimum 9.0 standard units as a maximum
Total BETX -	0.20 mg/l as a daily maximum
Benzene -	Benzene shall not be discharged in amounts that will result in the presence of benzene at a downstream domestic water intake at concentrations above 5 micrograms per liter. See subparagraph (1)(d).

- (b) The construction, transportation and storage of the facilities to be tested shall be done in such a way that prevents debris and materials from being deposited within the vessel where it may later be entrained in the hydrostatic test water and released to surface or subsurface water.
  - (c) The discharger shall use proper engineering practices and Best Management Practices (BMPs) to prevent contamination of hydrostatic test water by fuels, lubricants or waste materials. An example of such a BMP is use of pigging devices to force out liquid and solid materials from the pipe prior to filling the pipe with test water.
  - (d) Hydrostatic test water shall be discharged in a manner to prevent erosion of soil or other materials into surface or subsurface water. Examples of such practices include splash pads, straw bales, silt fences, and vegetated buffer zones.
  - (e) There shall be no distinctly visible floating scum, oil or other matter contained on or in the wastewater discharge.
  - (f) The wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
  - (g) If the hydrostatic test water is discharged through an oil/water separator or other wastewater treatment process or device, the hydraulic and contaminant loading shall not exceed the capacity of the oil/water separator or other process or device.
  - (h) Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, T.C.A. § 68-211-101 et seq. and the Tennessee Hazardous Waste Management Act, § T.C.A. 68-212-101 et seq.
  - (i) The wastewater discharge must not cause an objectionable color contrast in the receiving stream.
- (7) Monitoring requirements
- (a) The measurement frequency for monitoring the parameters identified in subparagraph (6)(a) shall be once per discharge, unless the following conditions exist:
    - 1. the permittee is conducting a routine operation where identical or substantially similar vessels are tested at one location on a set schedule, in which case the permittee may monitor one discharge per month; and

2. by notifying the permittee in writing and giving reason for the more frequent sampling, the Division may require more frequent sampling.
  - (b) The volume of water discharged shall be estimated mathematically according to the length of section and the diameter of pipe tested.
  - (c) Sample types shall be as follows\*:
 

Volume of discharge	Estimate
Visible Oil	Visual Observation <sup>+</sup>
Oil and Grease	Grab
Total BETX	Grab
PCB's	Grab
pH	Grab

\* See subparagraph (6)(a) for which of these parameters must be sampled for a given type of discharge.

<sup>+</sup> Monitor visually for the presence or absence of visible oil in the discharge at the outfall point.
  - (d) Samples shall be taken in the first 60 minutes of discharge.
  - (e) The Division may require the discharger to sample for additional parameters.
- (8) Monitoring procedures
- (a) Representative sampling
 

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of hydrostatic test water. The samples and measurements shall be taken after treatment/mitigation of the hydrostatic test water and prior to mixing with any other waters and prior to discharge to the receiving stream.
  - (b) Test procedures
    1. Test procedures for the analysis of parameters shall conform to regulations published pursuant to Section 304(h) of the Clean Water Act, as amended.
    2. Unless otherwise noted in the general permit, all parameters shall be determined according to methods prescribed in 40 CFR Part 136.
  - (c) Recording of results
 

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

    1. the place, date, and time of sampling;
    2. the person(s) collecting samples;
    3. the dates and times the analyses were performed;
    4. the person(s) or laboratory who performed the analyses;

5. the analytical techniques or methods used; and
6. the results of all required analyses.

(d) Records retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Division of Water Pollution Control.

(9) Definitions

- (a) The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of effluent samples taken during a calendar day. The daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during the calendar day.
- (b) For the purpose of this general permit, a "calendar day" is defined as any 24-hour period.
- (c) For the purpose of this general permit, "facility" means the vessel that undergoes a hydrostatic test and from which hydrostatic test water is subsequently discharged. These facilities include, but are not limited to, pipelines, flowlines, boilers and storage tanks.
- (d) "New" facilities refers to those facilities which have not been put into service and have not been used for transportation or storage of raw materials, products or other chemicals in bulk.
- (e) PCB's is an abbreviation for Polychlorinated Biphenyls and means Aroclor 1016, 1221, 1232, 1242, 1248, 1254, 1260.
- (f) BETX is an abbreviation for the chemicals benzene, ethylbenzene, toluene and xylene, and the concentration of total BETX means the sum of the concentrations of benzene, ethylbenzene, toluene and xylene.
- (g) "Hydrostatic test water" means water placed in a vessel, and often raised to greater than atmospheric pressure, in order to check for leaks and/or the structural integrity of the vessel.

(10) Reporting

(a) Monitoring results

1. In the case of one-time discharges, monitoring results shall be recorded once and submitted once on Discharge Monitoring Report forms and shall be postmarked no later than 30 days after the date samples are collected.
2. For all other monitoring frequencies as described in subparagraph (7)(a), monitoring results shall be recorded monthly and submitted monthly. Submittals shall be postmarked no later than 15 days after the end of the month. The first Discharge Monitoring Report is due 15 days after the first complete month in the effective term of the permit.
3. Permittees shall use Discharge Monitoring Report Forms approved by the Division of Water Pollution Control. A signed report form and a copy must be submitted to the



Division. A copy should be retained for the permittee's files. Discharge Monitoring Reports and any communication regarding compliance with the conditions of this general permit must be sent to:

Division of Water Pollution Control  
Attention: Compliance Review  
L&C Annex, 6th Floor  
401 Church Street  
Nashville, Tennessee 37243-1534

4. Discharge Monitoring Reports must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative, as defined and set forth in subparagraph (11)(i). Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

(b) Additional monitoring by permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

(c) Falsifying reports

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act and in Section 309 of the Federal Water Pollution Control Act.

(11) General provisions

(a) Renotification

The owner or operator is not authorized to discharge after the expiration date of the permit that is specified by the Division according to subparagraph (5)(c). In order to receive authorization to discharge beyond the expiration date, the discharger must submit a NOI in compliance with paragraph (4) at least 30 days prior to that expiration date.

(b) Right of entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

1. to enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this general permit, and at reasonable times to copy these records;
2. to inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this general permit; and
3. to sample at reasonable times any discharge of pollutants.

(c) Availability of reports

Except for data determined to be confidential under T.C.A. 69-3-113 of the Tennessee Water Quality Control Act, all reports submitted in accordance with the terms of this general permit shall be available for public inspection at the offices of the Division of Water Pollution Control. As required by the Federal Act, operational data shall not be considered confidential.

(d) Proper operation and maintenance

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this general permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the general permit.

(e) Treatment facility failure

The operator shall control the hydrostatic test, discharges or both, upon reduction in capacity, or failure, of the discharge treatment/mitigation system, in order to maintain compliance with this general permit. Such controls shall be applied until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the break-through or overflow of a straw bale water detention structure.

(f) Property rights

This general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

(g) Severability

The provisions of this general permit are severable. If any provision of this general permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this general permit shall not be affected thereby.

(h) Other information

If the permittee becomes aware that he failed to submit any relevant facts in a Notice of Intent, or submitted incorrect information in a NOI or in any report to the Director, then he shall promptly submit such facts or information.

(i) Signatory requirements

1. A Notice of Intent submitted to the Director shall be signed as follows:

- (i) for a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making

functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (ii) for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (iii) for a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the general permit or information submitted to the Director shall be signed by a person designated in part 1 above or a duly authorized representative of such person, if:
  - (i) the representative so authorized is responsible for the overall operation of the facility from which the discharge originated, e.g., a plant manager, superintendent or person of equivalent responsibility;
  - (ii) the authorization is made in writing by the person designated under part 1 above; and
  - (iii) the written authorization is submitted to the Director.
3. Any changes in the written authorization submitted to the Director under part 2 above which occur after the issuance of a permit shall be reported to the Director by submitting a copy of a new written authorization which meets the requirements of parts 1 and 2 above.
4. Any person signing any document under parts 1 or 2 above shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(12) Changes affecting coverage under this general permit

(a) Planned changes

The permittee shall give notice to the Director as soon as possible of planned physical alterations or additions to the permitted facility. Notice is required only when:

1. the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); see paragraph (15); or
2. the alteration or addition could change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent

limitations in the general permit, nor to notification requirements under 40 CFR 122.42(a)(1); see paragraph (15); or

3. an alteration in the amount or frequency of the discharge.

(b) Change of ownership

If a facility is sold or transferred to a new owner or operator, the new owner or operator shall submit a new NOI.

(c) Change of mailing address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

(13) Noncompliance

(a) Effect of noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, for termination of coverage under the permit, for the Director to require an individual permit, or denial of permit reissuance.

(b) Reporting of noncompliance

1. 24-Hour reporting

In the case of any noncompliance which would cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the permittee shall notify the Division of the noncompliance by contacting the appropriate Division environmental assistance center immediately, but in no case more than 24 hours from the time the permittee becomes aware of the circumstances. The local Environmental Assistance Center can be contacted at 1-888-891-TDEC. The Tennessee Emergency Management Agency may be reached at the following phone numbers: (800) 262-3400 (In-State); and (800) 258-3300 (Out-of-State).

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- (i) a description of the discharge and cause of noncompliance;
- (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (iii) the steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

2. Scheduled reporting

For instances of noncompliance which are not reported under part (b) 1. above, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

(c) Bypassing

1. "**Bypass**" means the discharge of wastes from any portion of the collection or treatment system other than through permitted outfalls. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass is prohibited unless the following three (3) conditions are met:
  - i. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There are not feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down-time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment down-time or preventative maintenance;
  - iii. The permittee submits notice of an unanticipated bypass to the Division of Water Pollution Control in the appropriate Environmental Assistance Center within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the Director, if possible, at least ten (10) days before the date of the bypass.
3. The permittee shall operate the collection system so as to avoid bypassing. No new or additional flows shall be allowed that will contribute to bypass discharges or would otherwise overload any portion of the system.

(d) Upset

1. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) an upset occurred and that the permittee can identify the cause(s) of the upset;

- (ii) the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- (iii) the permittee submitted information required under "Reporting of noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
- (iv) the permittee complied with any remedial measures required under "Adverse impact."

(e) Adverse impact

The owner or operator shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(14) Liabilities

(a) Civil and criminal liability

Except as provided in this general permit, nothing in this general permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this general permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wild life, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this general permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

(b) Liability under State law

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.



8. Estimated dates of testing, frequency of tests and duration.

9. A brief description of Best Management Practices (BMP's) and/or treatment of the hydrostatic test water discharges.

10. Indicate how long you wish to be covered under this general permit; the Division will establish an 11 to 12 month term of coverage unless you request a longer time.

\_\_\_ 2 years      \_\_\_ 3 years      \_\_\_ 4 years      \_\_\_ 5 years

Please note that coverage under this permit cannot extend beyond the expiration date of the general permit.

For used sections of natural gas pipeline, permit TNG670000 establishes a limit on the concentration of PCB's in the hydrostatic test water discharge unless the discharger certifies that PCB's have never been used on the pipeline or their presence indicated in the pipeline, as follows:

Polychlorinated Biphenyls (PCB's) have never been used in compressors or other equipment on the pipeline of which the above-described section is a part, nor has the presence of PCB's been indicated in the pipeline of which the above-described section is a part.

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

"I certify under penalty of law, including but not limited to penalties for perjury, that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

To be signed by a responsible corporate officer:

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_